In the High Court of Uttaranchal, at Nainital.

Government Appeal No. 1119 of 2001
(Old No. 1738/ 1986)

The State of U.P. .... Appellant.

Versus

Rajendra Dutt son of Narain Dutt R/o
Ediwal Syun, P.S. Pauri
District Pauri Garhwal Accused-Respondent.

Hon'ble B.C. Kandpal, J.

Heard learned A.G.A and perused the record.

2- This appeal has been preferred against the acquittal of the accused/respondent Rajendra Dutt U/S 409 I.P.C.

3- The accused was prosecuted under Sections 408, 420, 468 I.P.C. but during the course of the trial he was charged U/S 409 I.P.C. The accused was subsequently tried and the Trial court vide impugned judgment and order dated 18-3-1986 acquitted him.

4- Feeling aggrieved by the judgment and order of the acquittal, the State has preferred this appeal.

5- Having perused the judgment passed by the court below, I do not find any sufficient ground to interfere in the findings of acquittal recorded by the trial Court. I am of the view that the impugned judgment is passed on cogent and valid grounds. The prosecution evidence has been rightly disbelieved by the trial Court. I also do not find any perversity or un reasonableness in the finding recorded by the Trial Court.

6- The appeal lacks merit and is liable to be dismissed.

7- Accordingly the appeal is dismissed.

(B.C. Kandpal, J.)

Dated: 03-07-2006
ISB